Scott. II-27—45,004--21-10-27.

Law (8l)

(1928) Department.

4 SERIES.

G.O. No. 790

DATED. 2-3-28

[Despatch Abstract.]

Official Receiver - South Kanara - Mr. J. P. Siqueira -

Memorial - declined.

DEPARTMENT.

Received ..... 192 *Registered* 9c/2 1928.

Subject.

ENCLOSURES.

No. .....

.....

Spare copies .....

R.O.C. No. 257-B-1-28

Station Madras, *Dated the* 15th February 1928.

From (Name) A.C.Happell Esquire, I.C.S.,

(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,

Law (General) Department
(with enclosures)

Sir,

Official Receiver - South Kanara - Mr. John P. Siqueira - Memorial to Government.

I am directed to forward for the orders of His Excellency the Governor in Council, a petition from Mr. John P.Siqueira, Official Receiver, South Kanara, in which he requests (1) that the commission earned by him as Interim Receiver should not be taken into consideration in calculating Government share, with reference to G.O.No. 3036 Law (Genl) dated 18-12-1923, (2) that the sum of Rs 1,064-2-6 paid by him to Government according to the above G.O. on the commission earned by him during 1925-26 be refunded to him and (3) that the sliding scale in the above G.O. be altered, so as to leave him a sum of Rs 300/-

a month. I am to add that the Honourable the Judges do not recommend that the petitioner's requests should be granted.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

K.C.K.

17/2

Dis: 9023/1928.
Subject R97/28

TO

HIS EXCELLENCY THE GOVERNOR-IN-COUNCIL,

FORT ST. GEORGE,

M A D R A S.

Through

The Honourable Judges of the High Court of Judicature,

and

M a d r a s.

Through

The District & Subordinate Judges of

South Kanara, Mangalore.

Humble petition of John P.Siqueira,B.A., B.L., Official Receiver, South Kanara.

Dated 16th January 1 9 2 8.

Most Respectfully Showeth,

1. That Petitioner was appointed Official Receiver, South Kanara, with effect from 1st August 1925 and has continued - till now.

2. That when he assumed charge of the office not only the administrative work but also the judicial portion of the work was in heavy arrears and his first act was to clear all administrative work as far as possible and to take up the other portion of the work.

3. That the outturn of work till the end of the official year 1926 has been fully set out in the memorial submitted by him to Government dated 6-1-1927. He begs to submit a copy of it herewith. Petitioner hopes that on a kind consideration of the statistics annexed thereto Government will be -

satisfied that Petitioner has devoted all his time and energy to insolvency work which has resulted in considerable pecuniary loss to him owing to the fact that he was compelled to give up his practice wholly. He had, however, hoped to make up this loss by remuneration from insolvency work, but he has been sorely disappointed by Government declining to consider his memorial referred to above.

16 JAN 1928

4. Petitioner takes the liberty to approach Government again with the fervent hope that they would consider sympathetically his position as Official Receiver and the income which he actually derives from his office.

5. The gross commission earned during the official year 1926-27 was Rs.4,132-11-3 including a sum of Rs.373-2-6 paid to the previous Official Receiver for the work turned out by him and out of this he has been directed to refund Rs. 1,053-1-4 in the audit notes for the year so that the net remuneration derived by him amounts to Rs.2,756-7-5 which works out approximately at Rs.230 per month. In this connection Petitioner begs to invite the attention of Government to the Report of the Civil Justice Committee relating to insolvency work paras 24-26 in which they are of opinion that for a satisfactory discharge of the onerous duties involved in insolvency work Official Receivers should be treated as full time officers and placed as far as remuneration is concerned in the same cadre as District Munsifs. Petitioner ventures to hope that Government would be satisfied that the remuneration actually derived by him is not at all commensurate with the labour and time devoted by him to insolvency work. It is true that in the first year of his appointment he earned a remuneration of Rs.387 after refunding Rs.1,064-2-6 to Government but this was due to the fact that that year was an abnormal year in which there was a large accumulation of

5

arrears which had been cleared up by Petitioner.

6. From the facts stated above it will, Petitioner ventures to think, be sufficiently clear that in normal years the Official Receiver of this District cannot earn however diligently he may apply himself to his duty more than Rs.300 if his remuneration is not subjected to any rebate and if refund is enforced it will not exceed in any case Rs.250 at the outside.

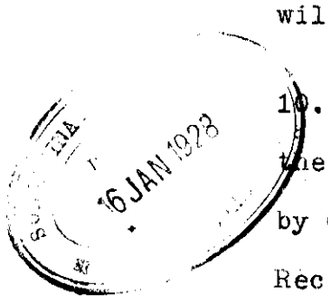
16 JAN 1923

7. Petitioner ventures to submit that this remuneration is inadequate for a practically whole time Official Receiver, especially in a District like South Kanara. Much travelling in unfavourable weather has to be done by the Official Receiver if his work has to be done well and expeditiously. Petitioner was obliged to maintain a motor car to do his travelling and but for the facility afforded by this so much work could not have been done in such a short time. A maximum remuneration of about Rs.250 a month, Petitioner humbly submits, will not sufficiently recompense so much work done with such care and promptitude.

8. Petitioner begs to point out in this connection that though there is enormous increase in the insolvency work year after year in this District, the remuneration of the Official Receiver has not kept pace with the increase of work, because the assets involved in the majority of cases are of trifling value and in some of the cases they are such that it is not possible even to recover the administrative charges. The administrative work has also correspondingly increased and Petitioner has to apply himself most assiduously day in and day out to this work which hardly leaves him sufficient time for practice.

9. The state of insolvency work adverted to above is

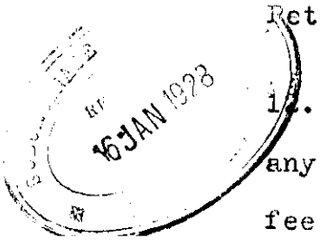
within the knowledge of the District and Subordinate Judges in this District and Petitioner confidently hopes that they will support him.



10. One important question which requires decision at the hands of Government is whether the remuneration earned by Official Receivers when appointed by courts as Interim Receivers, under section 20 of the Insolvency Act, which is clearly under the Civil Procedure Code, is liable to be included in their remuneration as Official Receivers for purposes of calculating rebate. In his audit notes for the year 1926-27, the auditor has included that amount in the amount earned by Petitioner as Official Receiver. This is very hard in-as-much as the appointment as Interim Receiver stands on a different footing and the remuneration earned thereby cannot in any event be treated as ordinary remuneration derivable from insolvency work. Instead of appointing vakils or other persons as Interim Receivers, Courts often find it convenient to appoint the Official Receiver as Interim Receiver and there is no reasonwhy the latter should be penalised on that account, seeing that other persons appointed in the latter capacity enjoy the full benefit of the appointment, while so far as the Official Receiver is concerned, he is subjected to restrictions. If the Government accepts the principle that there is no connection between the two kinds of remuneration referred to above, Petitioner requests that Government may be pleased to waive the recovery of rebate on Rs.300 earned by Petitioner as Interim Receiver.

11. The state of affairs obtaining in this District cannot be compared with those of other Districts in the Presidency where Official Receivers make sufficiently large incomes owing to their being called upon to administer big estates and consequently they have no grievance whatever, but

in this District though the work is heavy, the income is very low owing to the reasons explained in para 8 supra. In these circumstances, it will be a hardship to compel the Petitioner to refund any amount at all.

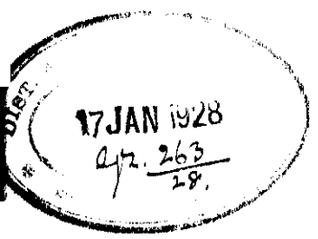


11. The appointment of Official Receivers does not entail any pecuniary loss to Government, as the receipts from court-fee stamps fully cover the charges on account of the establishment and contingencies. For some time after the creation of the office of the Official Receiver, a fixed salary of Rs.50 per month was attached to the post in addition to the ordinary remuneration, but the fixed salary having been abolished, the appointment does not involve any expenditure to Government. This being the case, Petitioner submits that on account of the special conditions of this District and the extremely heavy work which the Official Receiver has to get through, the -- rebate order may not be enforced in his case.

In conclusion Petitioner prays that Government may, after reference to the audit department if necessary, be pleased to reconsider the order directing the Petitioner to refund Rs.1,053-1-4 in 1926-27 and to so modify the above Government Order by altering the scale of rebate as to leave the Official Receiver a minimum of Rs.300 per month. He also prays that Government may be pleased to direct refund to Petitioner of the amount of Rs.1,064-2-6 already refunded by him in the year 1925-26 in view of the foregoing circumstances.

John P. Liguang
16.1.28.

Dis. No. 143/28
17-1-1928.



Submitted.

The memorialist's work as Official Receiver has been quite good. The promptness with which he took possession of properties of insolvents lying in different parts of the district, necessitating considerable travel and absence from head-quarters, has largely contributed to increased collections and to my knowledge has enabled a larger number of cases to be promptly and fully closed. He has had to devote practically the whole of his time to insolvency work, sacrificing other work.

2. The point raised in the memorial appears to be one that affects all the Official Receivers in the Presidency. I strongly recommend for favourable consideration the prayer for exempting from rebate the income up to Rs.300 per month, which is the lowest pay of a District Munsif.

Subordinate Judge's Court, S.K.
Mangalore, 17th January 1928.

A. Venkatesan
Subordinate Judge.

6 JAN 1928

MEMORIAL

OF

J. P. SIQUEIRA, B. A., B. L.

OFFICIAL RECEIVER

SOUTH KANARA

To

The Hon'ble Judges of the High Court of Judicature,

MADRAS.

Through

The District and Subordinate Judges of South Kanara.

Humble Petition of John P. Sequeira, B. A., B. L. Official Receiver, South Kanara, dated 6th January 1927.

MOST RESPECTFULLY SHEWETH,

That Petitioner was appointed Official Receiver, South Kanara with effect from 1st August 1925 and has continued till now.

That when he assumed charge of the office not only the administrative work but also the judicial portion of the work was in heavy arrears.

That his first act was to clear all administrative work as far as possible and to take up the other portion of the work. Tabular statements hereto annexed will show the quantity of work turned out by Petitioner since the assumption of duties of office.

From an examination of the comparative figures in the statements, the High Court will, the Petitioner feels sure, be satisfied that more work was turned out during the period of one year the Petitioner was in office than that during the whole period which has elapsed since the appointment of the Official Receiver in the District.

This outturn of work would have been impossible if, instead of devoting his attention exclusively to insolvency work, he had attended to his professional duties also. The result of his devotion to this work has been that he has not derived any income from the latter source but had to be content with the income which accrued to him from the insolvency work. The latter amounted to Rs. 4,160—6—4 for a period of eight months which works out at Rs. 520 per month: out of this Rs. 1,064—2—6 had to be refunded to Government by way of rebate as per High Court R. O. C. No. 3725/22 dated 25—12—1923 communicating copy of G. O. No. Mis. 3036 Law, General dated 18—12—1923; hence the net income derived by Petitioner amounts to Rs. 387 per month.

Petitioner submits that he had to work at very high pressure and to the great detriment of his professional work which brought him an average income of Rs. 400 approximately.

The Official Receiver when first appointed was paid a monthly salary of Rs. 50 in addition to his remuneration without any rebate but under the order of Government adverted to above, the monthly salary has been abolished and consequently the remuneration of Official Receiver has been substantially reduced.

Petitioner ventures to submit that the above remuneration is scarcely commensurate with the quantity of work and energy and time devoted to it.

Petitioner begs to point out in this connection that in consequence of the prompt disposal of the insolvency work by him as will be seen from the remarks made by the District Judge in his review of the work of the Official Receiver, extract of which is hereto appended, the work of the Subordinate Judge especially who has been invested with full insolvency jurisdiction has enormously increased and this is due to the proportionate increase in Petitioner's office. In nearly every case reports called for have to be submitted in the course of a short period to enable the Subordinate Judge to dispose of the cases expeditiously. Further the time for discharge granted by the Courts being limited to six months, all the estates have to be administered fully as far as possible during that period.

Petitioner was very much handicapped owing to the fact that in a large number of cases properties belonging to the insolvents had not been taken possession of and the latter were using the usufruct of the properties to the prejudice of the creditors and this work was attended to by Petitioner at considerable sacrifice of his health, as the properties were scattered throughout the District. The sale of both moveable and immoveable properties had been held until Petitioner's appointment in Mangalore instead of at the places where the properties were situated or the moveables had been seized; one result of this was that the proceeds realised were altogether disproportionate to the intrinsic value of the properties and both the insolvents and the creditors suffered loss as none of the bidders would be willing to go to Mangalore situated at a distance of 50 or 60 miles from the properties at considerable expense. Petitioner made a departure from this practice and held the sales at the head quarters of the localities concerned and this benefited the parties to a large extent and brought a larger remuneration to the Petitioner which indirectly also benefited the Government.

All the circumstances narrated above will show that the Official Receiver has not spared himself in the performance of his duties though his remuneration has not been adequate.

One serious disadvantage which he has laboured under is that there is only one clerk sanctioned to his office, and owing to the enormous scriptory work turned out during the period, he had to engage the services of another clerk on a monthly salary of Rs. 35 from out of his own pocket as the permanent clerk was not able to cope with the work at all. This has still further reduced his remuneration.

Petitioner begs to point out that unless assistance is given to the permanent clerk it would be impossible to maintain the administrative work up to date and there will be heavy arrears in the future. This state of things may be obviated if the High Court should concur in the proposal which the Petitioner ventures to put forward for their consideration, namely, that the remuneration of the Official Receiver may be raised from the existing rate of 5% to 6% and all the contingencies including the salary of the clerk and peon are defrayed out of his remuneration and the rebate according to the scale laid down in the above G. O. is not enforced. This will enable the Official Receiver not only to employ additional hands as exigencies arise but also to regulate his work according to circumstances. The object of the Government in enforcing a rebate being to prevent loss to it. Petitioner ventures to submit that this arrangement will in no way cause loss to Government or involve additional expenditure.

From the statistics appended to this, it will be clear that the insolvency work goes on increasing day by day, mainly owing to financial embarrassment of trading classes (already 72 cases have been instituted in 1926) and at least for a period of two years the increase is likely to continue though at the same time the remuneration which will accrue to the Official Receiver, will not be proportionate to the quantity of work involved as in the majority of cases, the estates are poor and will not bring him a sufficiently adequate remuneration.

In conclusion Petitioner earnestly prays that on a consideration of all the circumstances set forth above, the Hon'ble Judges may be graciously pleased to recommend to the Government that either his remuneration may be increased as suggested above or the G. O. Mis. 3036 referred to above may be held in abeyance as a tentative measure for a period of at least two years so far as this District is concerned and the rebate of Rs. 1,064—2—6 paid to Government may be ordered to be refunded to Petitioner.

For which act of grace and generosity, Petitioner shall ever remain grateful.

Brief review of the work of the District Munsifs during the fourth quarter ending 1925.

Original Suits

There was a slight fall in these institutions in all the Courts as compared with the corresponding quarter of the previous year (Cf. 1079 with 1090 last year the fall (124) being most marked in Udipi, where the number of suits for money fall from 208 in the corresponding quarter of the previous year to 62 in the quarter under review. In other Courts there was a rise as compared with the fourth quarter of the previous year. The highest institution was in Kundapur (219) and and the lowest in Udipi (126).

2. The number of suits for disposal in all Courts together fell short of that in the corresponding quarter of the previous year and the previous quarter by 55 and 603 suits respectively and the number disposed of was less than that in the corresponding quarter of the previous year by 35 suits and by 433 suits in the previous quarter. In Puttur the disposals (250) were the same as in the corresponding quarter of the previous year, and were less than in the previous quarter by 57 suits. The disposal exceeded those in the corresponding quarter of the previous year in all the Courts except in Mangalore and Udipi and in the latter Court they fell short by 79 suits. In regard to disposals, Puttur stands first (250) next comes Udipi (237) and Kundapur follows close with 225 suits. The lowest disposal 153 was in Mangalore but these consisted of 106 suits for title, the highest in the District. The Additional District Munsif disposed of 22 suits as compared with 51 in the corresponding quarter of the last year and also the same number in the previous quarter.

3. The average duration of contested suits in all the Courts was 240 days as compared with 260 days in the previous quarter and 249 days in the corresponding quarter of the previous year The highest duration (502) was in regard to suits disposed of by the Additional District Munsif in Kundapur and the lowest (180) was in Karkal. The disposal by the former of very old suits contributed to the high average.

4. The number of suits disposed of after contest in all Courts together was 698 as compared with 672 in the corresponding quarter of the previous year and 790 in the previous quarter, the higher number being in Udipi (133). Next comes Puttur (126) and Kasargod follows close (121). The lowest number was in Mangalore (82). The disposals kept pace with the institutions in all Courts except in Mangalore and Kasargod where suits for title exceeded those for money.

5. 1990 suits were pending in all the Courts as compared with 2008 at the end of the corresponding quarter of the previous year and 2160 at the end of the previous quarter. The highest pendency of suits was in Kasargod (395) and Udipi (394). In the former the pendency exceeded that at the end of the previous quarter by 7 suits and at the end of the corresponding quarter of the previous year by 21 suits. In Kundapur (both Principal and Additional) 413 suits were pending as compared with 501 in the corresponding quarter of the previous year and with 436 in the previous quarter. In Puttur the pendency (292) was nearly the same (290) as in the fourth quarter of 1924, but was less than in the previous quarter by 50 suits. The number of old suits declined from 186 at the end of the fourth quarter of 1924 to 178 at the end of the quarter under review the pendency at the end of the previous quarter being 165. The highest pendency of these suits was in Udipi (63) as compared with 14 at the end of the fourth quarter 1924 and 49 at the end of the previous quarter. In Kasargod the pendency declined from 62 at the end of the fourth quarter of 1924 to 22 at the end of the quarter under review, while in Kundapur (Principal and Additional) it was 77 against 78 in the previous quarter and 103 at the end of the fourth quarter of 1924.

Small Cause Suits

6. There was a slight rise in institutions in all the Courts together as compared with the corresponding quarter in the previous year. The rise was general in all the Courts except Kasargod where there was a slight decrease (14). The disposals in all the Courts exceeded those in the corresponding quarter of the previous year (Cf. 756 last year with 876) though they were less than in the previous quarter by 381 suits. There was a slight rise in the pendency as compared with the corresponding quarter of the previous year (Cf. 365 last year with 389) and it fell short of that in the previous quarter by 76 suits. The number of more than three months old suits also rose from eight at the end of 4th quarter to 15 at the end of the quarter under review. In Mangalore and Udipi the number of such suits was 8 and 6 respectively as compared with 1 in each Court at the end of the 4th quarter of the previous year and 6 and 4 at the end of the previous quarter. The average duration of contested suits was 74 days as compared with 78 days in the corresponding quarter of the previous year and 81 days in the corresponding quarter of the previous year and 81 days in the previous quarter.

Execution Petitions

7. 4894 petitions were instituted against 3483 in the fourth quarter of 1924 and 4853 in the previous quarter, and 4483 were disposed of against 3804 in the fourth quarter of 1924 and 4916 in the previous quarter. 2531 petitions were pending as against 1917 in the 4th quarter 1924 and 2114 in the previous quarter. The amount involved in execution was Rs. 7,72,025 and the amount realised was Rs. 2,08,979. The highest percentage of realization was in Karkal. 29 persons were imprisoned against 32 last year and 38 in the previous quarter.

Insolvency Petitions

8. All the petitions received by the Courts were transferred to the Official Receiver. Out of 62 petitions for disposal the Official Receiver passed orders of adjudication in 29 against 11 in the corresponding quarter of 1924 and 25 in the previous quarter. 21 petitions, of which one was more than six months old, were pending against 42 (5 more than six months) at the end of the 4th quarter 1924 and 39 in the previous quarter (8 more than six months old). The average duration (106) days was slightly less than in the fourth quarter 1924 (115 days).

Claims to the extent of Rs. 2,06,546 were admitted by the Official Receiver against Rs. 2772 last year and the amount realised was Rs. 53,814 against 9,892 last year and the amount paid as dividend was 40,123 against 1,076 last year. The Official Receiver has worked with commendable promptitude. He appears to have devoted practically the whole of his time to insolvency work since his appointment.

DISTRICT COURT, SOUTH KANARA
Mangalore, 19th January 1926.

Sd: **K. S. Menon,**
District Judge.

By Order

Sd: **P. N. Bhandarkar,**
Sheristedar.

"True copy"

O. P. M.

A

Comparative Statement of Work of the Previous O. R. for three years and Petitioner for one year.

Cases received for adjudication	Cases in which orders of adjudication passed	Cases in which proceedings had to be taken	Cases fully closed	Assets realised			Assets Disbursed			Commission drawn		
From July 1922 to June 1923 132	96	532	25	24,342	2	9	23,985	11	1	1,263	4	5
From July 1923 to June 1924 158	129	582	17	9,620	14	10	10,622	3	5	492	13	10
From July 1924 to June 1925 132	87	619	20	26,562	1	7	7,149	9	2	185	13	3
From July 1925 to June 1926 133	113	250	516	1,24,401	5	3	1,15,845	8	5	5,381	7	11

B

Statement of Work of Petitioner and that of previous O. R.

Serial No.	Number of Insolvency Proceedings	Date of Adjudication	Name of the Insolvent	Steps taken by the previous Official Receiver	Steps taken by the present Official Receiver	Date when the amount of commission was appropriated	Commission drawn by the present O. R.			Commission drawn by the previous O. R.		
1	2	3	4	5	6	7	8			9		
1	I. P. No. 66/1923	22. 1. '24	Shroff Narain Shetty	Adjudication Order	Possession of property, sale, framing of schedule and declaration of final dividend.	2. 11. '25 22. 12. '25	89 37	8 2	5 3	Nil Nil		
2	I. P. No. 36/1942	30. 7. '24	John Robert Pais	Do.	Do.	10. 11. '25	60	8	0	Nil		
3	I. P. No. 13/1922	26. 1. '22	Mahabala Bhatta	Genichits were taken from tenants through clerk	Sale of properties, framing of schedule of creditors and declaration of dividend.	19. 11. '25	566	9	4	64	10	8
4	I. P. No. 26/1920	3. 7. '20	Seshappa Hebbara	Sale and adjudication order	Framing of schedule of creditors, declaration of final dividend.	19. 11. '25	16	2	8	16	2	8
5	I. P. No. 16/1919	2. 9. '19	Vasudeva Hebbara	Do.	Do.	19. 11. '25	21	10	10	10	13	6
6	I. P. No. 24/1922	22. 1. '23	A. M. Gonsalves	Genichits were taken from tenants	Sale of property, framing of schedule and declaration of dividend.	19. 11. '25	1,046	9	8	53	4	0
7	I. P. No. 103/1921	12. 9. '21	Narsimhadas Kamthi	Adjudication Order	Do.	19. 11. '25	213	14	0	5	3	1
8	I. P. No. 122/'20	22. 4. '21	D. Laximinarayana Tantri	Adjudication order and sale of property	Framing of schedule of creditors and declaration of dividend.	15. 12.' 25	85	13	0	5	3	1
9	I. P. No. 90/'24	29. 8. '25	Muddanna Shetty		Adjudication order, sale of properties, framing of schedule and declaration of dividend.	16. 12. '25 22. 12. '25	28 89	0 15	10 6	Nil		
10	I. P. No. 102/'21	9. 9. '21	Lawrence Lobo	Sale and framing of schedule of creditors	Amendment of schedule and payment of dividend to creditors.	22. 12. '25	3	12	4	Nil		
						Rs.	2259	10	10	155	5	0

11	I. P. No. 32/'25	18. 4. '25	Cherdappa Vittal Naik		Possession of property sale, framing of schedule and declaration of dividend	22. 12. '25 6. 5. '26	611 52	15 0	6 9	Nil Nil		
12	I. P. No. 69/'19	21. 10. '19	Marcel Silva	Sale and the amount in deposit, adjudication order	Framing of schedule and declaration of final dividend	13. 1. '26	1	7	5	2	15	0
13	I. P. No. 27 '23	17. 8. '23	Vasudevachari	Sale and adjudication order	Framing of schedule and declaration of final dividend	13. 1. '26	20	4	0	20	4	0
14	I. P. No. 52 '23	6. 10. '23	Juje Saldanha	Sale and the amount in deposit	Framing of schedule and declaration of final dividend	13. 1. '26	0	9	2	1	11	7
15	I. P. No. 101 '19	15. 11. '19	Somaya Naik and others	Sale of properties and amount in deposit	Framing of schedule and declaration of final dividend	13. 1. '26	1	12	6	3	9	1
16	I. P. No. 66/'21	15. 10. '21	Manual Souza	Adjudication order and amount deposited by insolvent	Framing of schedule and declaration of final dividend	13. 1. '26	8	4	0	8	4	0
17	I. P. No. 85 '23	29. 2. '24	Harekala Janardhana Naik	Sale and adjudication order	Framing of schedule and declaration of final dividend	13. 1. '26	48	8	9	48	8	9
18	I. P. No. 25/'24	20. 3. '24	Rahim Saheb Beary	Sale and amount in deposit	Do.	13. 1. '26	85	9	8	85	9	7
19	I. P. No. 21 '22	12. 8. '22	Abdulrahiman Beary	Do.	Do.	13. 1. '26	31	5	2	31	5	2
20	I. P. No. 62/'23	23. 1. '24	Narsimhadas	Adjudication order	Realisation of assets, framing of schedule and declaration of dividend	23. 1. '26	39	9	8	Nil		
21	I. P. No. 68/'24	7. 3. '25	N. P. Raju Chetty and Kandasami Chetty	Part realisation of assets	Realisation of assets, sale and framing of schedule and payment of dividend	26. 1. '26 6. 5. '26	144 211	11 10	2 7	72 105	5 13	8 4
22	I. P. No. 54/'22 I. P. No. 8/'23	27. 10. '23 27. 9. '24	K. Ganapati Shanbhaga K. Ananta Shanbhaga	Adjudication order	Sale of properties and payment to mortgagee	26. 1. '26	90	0	0	Nil		
23	I. P. No. 84/'25	19. 9. '25	B. Somappa		Possession of property and sale and payment to creditors	30. 1. '26 12. 2. '26	474 229	0 0	0 9	Nil		

Serial No.	Number of Insolvency Proceedings	Date of Adjudication	Name of the Insolvent	Steps taken by the previous Official Receiver	Steps taken by the present Official Receiver	Date when the amount of commission was appropriated	Commission drawn by the present O. R.			Commission drawn by the previous O. R.		
1	2	3	4	5	6	7	8			9		
24	I. P. No. 80/'25	5. 12. '25	Moolky Ganesh Kamthi		Possession, sale and payment of dividend	25. 2. '26	42	4	0	Nil		
25	I. P. No. 11/'22	16. 9. '22	S. Subba Rao	Adjudication order	Possession of properties and scheme approved	3. 3. '26	32	15	6	Nil		
26	I. P. No. 32/'22	2. 9. '22	Kunhi Moidine Saheb	Do.	Sale of properties and payment to mortgagee	16. 3. '26	38	6	3	Nil		
27	I. P. No. 96/'25	30. 10. '25	Trasi Manjunatha Shanbhaga		Sale, framing of schedule, declaration of dividend	8. 4. '26	241	5	6	Nil		
28	I. P. No. 31/'24	12. 3. '24	Sakrevyasachari	Sale and amount in deposit	Sale of balance properties and declaration of dividend	8. 4. '26	20	13	11	83	7	9
29	I. P. No. 98/'21	17. 2. '22	Raymond Souza	Amount of sale proceeds in deposit and adjudication	Framing of schedule and declaration of final dividend	8. 4. '26	1	15	7	7	14	3
30	I. P. No. 18/'24	10. 9. '24	Kallayi Koraga Shanbhaga	Adjudication order	Sale, framing of schedule and declaration of dividend	8. 4. '26	21	4	0	Nil		
31	I. P. No. 103/'25	30. 1. '26	J. M. Lobo		Adjudication, sale of properties and declaration of dividend	8. 4. '26	307	5	6	Nil		
32	I. P. No. 50/'21	6. 5. '21	A. J. Lobo	Sale and amount in deposit	Additional schedule and declaration of dividend and payment to creditors	17. 4. '26	45	12	0	137	4	0
33	I. P. No. 82/'24	15. 8. '25	Nandavar Narsimha Shanbhaga		Sale, framing of schedule and payment of creditors	17. 4. '26	110	0	0	Nil		
34	I. P. No. 122/'21	20. 1. '22	Kotiappa Shetty	Adjudication order	Seizure of moveables and sale and framing of schedule and declaration of dividend	7. 6. '26	7	10	0	Nil		

35	I. P. No. 83 '22	17. 10. '23	T. M. Parmeshwara Tiramampu	Amount deposited by the insolvent	Framing of schedule and declaration of dividend	6. 5. '26	1	3	5	3	10	4
36	I. P. No. 62 '25	7. 8. '25	Nagar Srinivasa Naik		Possession of properties sale, and framing of schedule and declaration of dividend	30. 6. '26 2. 7. '26	200 345	0 8	0 9	Nil		
37	I. P. No. 19 '24	20. 9. '24	Nagar Narsimha Naik	Adjudication order	Sale, framing of schedule and declaration of dividend	7. 8. '26	187	15	8	2	1	7
38	I. P. No. 106 '24	5. 12. '24	Nagar Parasurama Naik		Sale, framing of schedule and payment of dividend	7. 8. '26	198	13	9	20	4	0
39	I. P. No. 25 '25	Dismissed 13. 3. '26	Kunjarkhan Vishnu Bhatta		Seizure of property	24. 9. '26	6	3	0	Nil		
						Rs.	6,119	15	9	790	5	9

Mangalore,
6th January 1927.

John P. Siqueira,
Official Receiver.

C. P. M.

Law (Gl.) Deptt.

Memorial from the Official Receiver, South Kanara.

[C.No. 1028BJ] From the Regr; High Court, Rd. C. No. 257/B-1-28 of the 15.2.28

The Registrar's letter enumerates the three requests of the Official Receiver, South Kanara contained in his memorial at pp. 3-7 cf. The Hon. the Judges do not recommend any of the requests.

2. Requests (2) and (3) have already been considered by the Govt in connection with his previous memorial vide paras 2 ii and 4 of Note at pp. 13-14 of G.O. No. 1708 Leg; of the 25.5.Gl.27. In paras. 8 and 11 of the petition, it is stated that the Mofussil work in South Kanara is on the increase. But as the estates are generally poor, the Official Receiver does not appear to have been sufficiently remunerated. It is stated that this state of affair may exist in other districts as well.

3. As regards request (1), it is

attention is invited to Section 57 (2) of the Provincial Insolvency Act, 1920. It is laid down there that the Official Receiver is "the Receiver for purpose of every order appointing a Receiver or an interim Receiver" issued by the Court, "unless the Court for special reasons otherwise directs". It is therefore the duty of the Official Receiver to be also the "Interim Receiver." Official Receivers are therefore not entitled to any higher remuneration than that fixed by the Govt. if they happen to be appointed as Interim Receivers - vide also Section 57(4) of the Provincial Insolvency Act.

4/ If it is decided to agree with the High Court, the draft Order below is for approval.

N.M. 27.2.28.

V. 28.2.28

The whole position of Official Receivers and their remuneration has been dealt with exhaustively and there seems to be no good reason for departing from the present practice. The petitioner's requests may be rejected.

Ag. 27.2.28

S 1.3.28

C. 1.3.28

Scott II-5 (a)—38,004—26-10-27. (b) 14/213

	Date.	Initials.
When received for Fair-copying.		
When copied ..	[illegible]	C.
When examined ..	2/3	[illegible]
When signed ..		
When despatched ..		

Law (Genl.) DEPARTMENT.

Official Receiver - South Kanara -
Mr. J. P. Siqueira - Memorial.
declined

(N)

READ AGAIN G.O. No. 1708 Leg., dated 25 . 5 . 1927

" " " " " " 192 .

READ ALSO:— Ak 1-2-28 F

C. No. 1022B. From the Regr. High Court No. 257/B-1/28, dated 15 . 2 . 1928.

" " " " " " 192 .

" " " " " " 192 .

ORDER.

No. 790, dated 2/7/1928

The Hon. the Judges are requested to inform Mr. J. P. Siqueira, Official Receiver, South Kanara, that the Govt. see no reason to comply with the requests contained in his memorial

Ak. 27.2.28.

Leg 29.2.28

28-2-28.

29/2/28

Do
the Hon. the C.J. with C.R.